

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ANTONIO M. SMITH, JR.,**

**Plaintiff,**

**v.**

**Case No. 20-CV-1588**

**JOHN KIND, *et al.*,**

**Defendants.**

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**ORDER**

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Plaintiff Antonio M. Smith, Jr., a prisoner representing himself, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 along with a motion for leave to proceed without prepayment of the filing fee. (ECF Nos. 1, 2.) On October 26, 2020, the court ordered Smith to pay the initial partial filing fee of \$13.47 on or before November 16, 2020. (ECF No. 6.) The court also informed Smith that, if by the stated deadline he did not either pay the initial partial filing fee or explain why he could not pay it, the court would dismiss the case without prejudice. (*Id.* at 3.) On November 30, 2020, the court issued another order giving Smith until December 21, 2020, to pay the initial partial filing fee or file a letter explaining why he was unable to do so. (ECF No. 8.)

The December 21, 2020 deadline has passed. Smith has not paid the initial partial filing fee or provided the court with a written explanation as to why he cannot pay. Accordingly, the court will dismiss this case without prejudice.

**IT IS THEREFORE ORDERED** that this case is **DISMISSED without prejudice** because Smith has failed to pay the initial partial filing fee. The court will enter judgment accordingly. Smith may submit the initial partial filing fee and move to have the case reopened within 30 days of the entry of this order. Alternatively, because the dismissal is without prejudice, Smith may refile his complaint at a later date, subject to the relevant statute of limitations.

Dated at Milwaukee, Wisconsin this 5th day of January, 2021.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM E. DUFFIN  
United States Magistrate Judge